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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,226	08/19/1999	MARK D. RIGGINS	40827.00011	8867

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Jinntung Su
MANATT, PHELPS & PHILLIPS LLP
1001 Page Mill Road
Building 2
Palo Alto, CA 94303

EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/01/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/378,226

Applicant(s)

RIGGINS, MARK D.

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/5/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/5/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-30 are pending in the application.
2. Claims 1-30 stand being rejected.

Response to Amendment

3. The examiner approves the replacement drawings.

Response to Arguments

4. Applicant's arguments filed 12/5/03 have been fully considered but they are not persuasive.

On page 8, the applicant argues that claims 19 and 20 are implemented by a server that does not do decryption and that the decryption is handled by the client.

The examiner respectfully disagrees. The rejection was made on the bases that there are no steps recited in how the key is actually derived. Additionally, there is no end result to both claims.

On page 9, the applicant argues that Kaufman does not teach receiving a request to store encrypted data. The applicant argues that Kaufman does not teach transmitting the downloadable.

The examiner respectfully disagrees. A workstation requests an encrypted password. The password is stored on the workstation for subsequent decryption. The downloadable password is transmitted to the workstation.

On page 10, the applicant argues that Kaufman does not teach deriving a first secret from the password. The applicant argues that Kaufman does not teach receiving a hint from a server.

The examiner respectfully disagrees. A secret key is derived from the password. The hint transmitted with the session code.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

The omitted steps are: steps for “deriving a key”. The applicant recites “sending a decryption downloadable for deriving a key from a password and a hint”. However, there are no steps recited in how the key is actually derived. Additionally, there is no end result to both claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-18 and 21-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman et al U.S. Patent No. 5,491,752.

As to claims 1 and 8, Kaufman et al discloses obtaining a hint [column 6, lines 63-66]. Kaufman et al discloses obtaining a password [column 6 line 66 to column 7 line 1]. Kaufman et al discloses performing a hashing algorithm on the hint and the password to generate a key

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[column 7, lines 2-5]. Kaufman et al discloses encrypting data using the key [column 7, lines 18-22]. Kaufman et al suggests sending the encrypted data to a server for storage [column 11, lines 44-55].

As to claim 2, Kaufman et al discloses that the step of performing a hashing algorithm includes hashing the password [column 7, lines 2-5].

As to claim 3, Kaufman et al discloses that the step of performing a hashing algorithm includes hashing the password to derive a first secret [column 10, lines 6-17], hashing the first secret to derive a second secret, hashing the hint and the first secret to generate an intermediate index, and hashing the intermediate index and the second secret to generate the key [column 11, lines 26-55].

As to claim 4, Kaufman et al discloses a user interface for obtaining a password [figure 5]. Kaufman et al discloses a key generator coupled to the user interface for performing a hashing algorithm on a hint and the password to generate a key [column 7, lines 2-5]. Kaufman et al discloses an encryption engine coupled to the key generator for encrypting data using the key [column 7, lines 18-22]. Kaufman et al discloses a communications module coupled to the engine for sending the encrypted data to a server for storage [figure 5].

As to claim 5, Kaufman et al discloses a hint generator for generating the hint [figure 5].

As to claim 6, Kaufman et al discloses that the key generator hashes the password [figure 5].

As to claim 7, Kaufman et al discloses that the key generator hashes the password to derive a first secret [column 10, lines 6-17], hashes the first secret to derive a second secret,

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hashes the hint and the first secret to generate an intermediate index, and hashes the intermediate index and the second secret to generate the key [column 11, lines 26-55].

As to claim 9, Kaufman et al discloses that the system includes code stored on a computer-readable storage medium [figure 5].

As to claim 10, Kaufman et al suggests that the system includes code embodied in a carrier wave [figure 5].

As to claim 11, Kaufman et al suggests receiving a request to store encrypted data from a client [column 1, lines 36-45]. Kaufman et al discloses sending an encryption downloadable for deriving a key to encrypt data to the client [column 12, lines 37-40]]. Kaufman et al teaches receiving encrypted data that was encrypted by the encryption downloadable from the client [column 11, lines 43-54]. Kaufman et al discloses obtaining a hint corresponding to the encrypted data and needed for regenerating the key and storing the hint and the encrypted data [column 12, lines 37-63].

As to claim 12, Kaufman et al discloses an encryption downloadable for deriving an encryption key from a password and a hint [column 7, lines 2-5]. Kaufman et al suggests a web server for interfacing with a client for sending the encryption downloadable to the client [column 11, lines 44-55]. Kaufman et al discloses receiving encrypted data that was encrypted by the encryption downloadable from the client [column 11, lines 43-54]. Kaufman et al suggests memory coupled to the web server for storing a hint corresponding to the encrypted data and needed to regenerate the key from the client and the encrypted data [column 7, lines 2-5].

As to claims 13 and 16, Kaufman et al discloses obtaining a password [column 6 line 66 to column 7 line 1]. Kaufman et al discloses receiving encrypted data and a hint corresponding

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to the encrypted data from a server [figure 6]. Kaufman et al discloses performing a hashing algorithm on the password and the hint to generate a key for decrypting the encrypted data [figure 6].

As to claim 14, Kaufman et al discloses that the step of performing a hashing algorithm includes hashing the password [column 9, lines 41-60].

As to claim 15, Kaufman et al discloses a user interface for obtaining a password [column 6 line 66 to column 7 line 1]. Kaufman et al discloses a communications module for receiving the encrypted data and a hint corresponding to the encrypted data from a server [figure 6]. Kaufman et al discloses a key generator for performing a hashing algorithm on the password and the hint to generate a key for decrypting the encrypted data [column 9, lines 41-60].

As to claim 17, Kaufman et al discloses that the system includes code stored on a computer-readable storage medium [figure 5].

As to claim 18, Kaufman et al suggests that the system includes code embodied in a carrier wave [figure 5].

As to claim 21, Kaufman et al discloses obtaining a password [column 6 line 66 to column 7 line 1]. Kaufman et al discloses deriving a first secret from the password [column 10, lines 6-17]. Kaufman et al discloses receiving a hint corresponding to data to be decrypted from a server [figure 6]. Kaufman et al discloses deriving an intermediate index from the first secret and the hint [figure 6]. Kaufman et al discloses sending the intermediate index to the server [figure 6].

As to claim 22, Kaufman et al discloses that deriving the first secret includes hashing the password [column 10, lines 6-17].

As to claim 23, Kaufman et al discloses that deriving an intermediate index includes hashing the first secret and the hint [column 7, lines 2-5].

As to claim 24, Kaufman et al discloses a user interface for obtaining a password [column 6 line 66 to column 7 line 1]. Kaufman et al discloses an index generator coupled to the user interface for generating an intermediate index from a hint received from a server and a secret derived from the password [figure 5]. Kaufman et al discloses a communications engine coupled to the index generator for sending the intermediate index to the server [figure 5].

As to claim 25, Kaufman et al discloses that the index generator generate the intermediate index by hashing the hint and the secret [column 9, lines 41-60].

As to claim 26, Kaufman et al discloses means for obtaining a password [column 6 line 66 to column 7 line 1]. Kaufman et al discloses means for deriving a first secret from the password [column 9, lines 41-60]. Kaufman et al discloses means for receiving a hint corresponding to data to be decrypted from a server [figure 6]. Kaufman et al discloses means for deriving an intermediate index from the first secret and the hint [column 9, lines 41-60]. Kaufman et al discloses means for sending the intermediate index to the server [figure 6].

As to claim 27, Kaufman et al discloses that the system includes code stored on a computer-readable storage medium [figure 5].

As to claim 28, Kaufman et al suggests that the system includes code embodied in a carrier wave [figure 5].

As to claim 29, Kaufman et al discloses receiving an indication of encrypted data to be decrypted [figure 6]. Kaufman et al discloses transmitting to a client a hint corresponding to the indication [figure 6]. Kaufman et al discloses a decryption downloadable for deriving an

intermediate index from a password and the hint. Kaufman et al discloses receiving the intermediate index from the client. Kaufman et al discloses deriving a decryption key from a second secret corresponding to the user and the intermediate index.

As to claim 30, Kaufman et al discloses a second secret corresponding to a user. Kaufman et al discloses a decryption downloadable for generating an intermediate index from a password and a hint [column 7, lines 2-5]. Kaufman et al suggests a web server for receiving an indication of encrypted data to be decrypted [column 11 line 56 to column 12 line 7]. Kaufman et al discloses transmitting the decryption downloadable and a hint corresponding to the indication to a client [figure 6]. Kaufman et al discloses receiving an intermediate index from the client [figure 6]. Kaufman et al discloses a server-resident module for deriving a key for decrypting the encrypted data from the second secret and the intermediate index [figure 6].

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
September 30, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100